



Senate

General Assembly

January Session, 2007

File No. 595

Senate Bill No. 1447

Senate, April 26, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR MUNICIPAL EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2007*) Each municipality and
- 2 each local or regional board of education shall grant any employee of
- 3 such municipality or board of education the same family and medical
- 4 leave as is provided for state employees under section 5-248a of the
- 5 general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	New section
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JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
All Municipalities	STATE MANDATE - Cost	Potential	Potential

Explanation

This bill requires municipalities and local or regional boards of education to provide their employees with the same Family and Medical Leave Act (FMLA) benefits the state provides to its employees.

Municipal and board of education employees are currently covered under the federal FMLA. Federal law provides employees with up to 12 weeks of unpaid leave in a one-year period; state law provides up to 24 weeks in a two-year period.

Allowing a municipal or board of education employee to take additional unpaid FMLA leave may increase personnel costs. For example, a municipality would incur increased costs if a police officer or firefighter on FMLA leave had his shift covered by an employee with a higher salary or by an employee working an overtime shift. However, any increase in personnel costs would be mitigated by the fact that the employee taking FMLA leave would not be compensated.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation.

OLR Bill Analysis**SB 1447*****AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR MUNICIPAL EMPLOYEES.*****SUMMARY:**

This bill requires municipalities and local or regional boards of education to provide their employees with the same Family and Medical Leave Act (FMLA) benefits the state provides to its employees. Since municipalities and boards of education are currently under the federal FMLA, this bill makes these municipal employees eligible for the federal or state provision that grants the greater benefit. This makes the employees eligible for up to 36 weeks of unpaid leave over a two-year period rather than the current 24 weeks of leave under the federal law alone.

EFFECTIVE DATE: October 1, 2007

STATE EMPLOYEE AND FEDERAL FMLAS

Most provisions of the two laws are similar. They both give an employee leave for (1) the birth or adoption of a child; (2) the serious illness of an employee's child, spouse, or parent; or (3) the employee's own serious illness. But (1) there are differences in the amount of leave (especially when the two laws are taken together); (2) the state employee law permits leave to serve as an organ or bone marrow donor; and (3) job reinstatement rights are stronger under the state law for a returning employee no longer able to perform his or her original job. One federal provision is broader; it allows leave due to the placement of a foster child, and the state law does not. This benefit would still be available to employees under the federal law.

The federal law provides workers with up to 12 weeks of unpaid leave in a one-year period; the state law provides up to 24 weeks in a

two-year period. Under the bill, a municipal or board of education employee could take 12 weeks of leave under the federal law in one year and take 24 weeks under the state law in the next year. This provides a combined benefit of 36 weeks over two years.

Table 1 shows the differences and similarities in the two laws.

TABLE 1: FEDERAL AND STATE PUBLIC SECTOR FMLA PROVISIONS

	<i>Federal Law (as applied to municipalities and boards of education)</i>	<i>Bill (current state employees law)</i>
Municipalities and boards of education covered	All	All
Employees eligible	Those who have worked (1) at least 12 months for the employer and (2) at least 1,250 hours	All permanent employees (existing law covers permanent employees as defined in State Personnel Act)
Leave amount	Up to 12 weeks in one year	Up to 24 weeks in two years
Types of leave	For birth, placement of child for adoption or foster care, to provide care for employee's own parent, child, or spouse with serious health condition, or employee's own serious health condition	Similar, except it also covers leave to serve as an organ or bone marrow donor and does not cover leave due to a foster care child placement
Serous health condition/illness	Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice, or residential medical-care facility; or continuing treatment by a health	Similar to federal provision

	care provider	
Health benefits during leave	Employee health insurance must be continued under same conditions as prior to leave, including any employee contribution required	Similar to federal provision
Job reinstatement rights	Must be restored to same position or one equivalent to it in all benefits and other terms and conditions of employment	Similar to federal in all respects except if upon return from leave, the employee is medically unable to perform the original job, he or she must be transferred to work suitable to his or her physical condition if such work is available (federal law does not require this if the employee is unable to perform the old duties)

ELIGIBLE EMPLOYEE DEFINITION

The state FMLA refers to state employees in permanent positions as defined in the State Personnel Act. To apply the bill, a municipality or board of education would have to determine who qualifies as a permanent employee under its own personnel or civil service policies.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (04/13/2007)